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# A BILL FOR AN ACT

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RELATING TO TRAFFIC FINES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to:

2       (1) Authorize each county to establish a county highway  
3           enforcement program within each county police  
4           department to enforce laws prohibiting or restricting  
5           the stopping, standing, or parking of vehicles on  
6           county highways and provide for parking management-  
7           related improvements; and

8       (2) Impose a county highway enforcement surcharge, in  
9           addition to other penalties and fines, for violations  
10          of laws prohibiting or restricting the stopping,  
11          standing, or parking of vehicles on county highways to  
12          be distributed to the police department of the county  
13          in which the violation occurred.

14       SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
15 by adding a new section to be appropriately designated and to  
16 read as follows:



1        "§46-        County highway enforcement program;  
2 establishment; fund; annual reports.    (a)    Each county may  
3 establish a county highway enforcement program within each  
4 county police department for administrative purposes. The  
5 purpose of the county highway enforcement program is to enable  
6 counties to:  
7        (1)    Enforce laws prohibiting or restricting the stopping,  
8                standing, or parking of vehicles on county highways  
9                under section 291C-111(d); and  
10        (2)    Provide for parking management-related improvements.  
11        (b)    Each county by ordinance may designate specific  
12 sections of county highways subject to violations under section  
13 291C-111(d). Each county shall transmit a copy of the ordinance  
14 designating specific sections of county highways subject to  
15 violations under section 291C-111(d) to the judiciary by June 30  
16 of each year, beginning in 2023, to ensure that district courts  
17 and law enforcement have adequate notice and citation books are  
18 prepared for the start of the new calendar year.  
19        (c)    Each county may establish a county highway enforcement  
20 program fund within the county highway enforcement program into  
21 which the county highway enforcement surcharge under section



1 291C-111(d) and penalties collected under section 291C-171(b)  
2 are deposited.

3 (d) Each county director of finance shall submit an annual  
4 report to the legislature and respective county council or city  
5 council on the status and progress of the county highway  
6 enforcement program, including an update of all moneys deposited  
7 into and expended from the county highway enforcement program  
8 fund no later than sixty days after the end of the fiscal year."

9 SECTION 3. Section 291C-111, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§291C-111 Noncompliance with stopping, standing, or**  
12 **parking requirements.** (a) With respect to highways under their  
13 respective jurisdictions, the director of transportation is  
14 authorized to and the counties by ordinance may prohibit or  
15 restrict the stopping, standing, or parking of vehicles where  
16 the stopping, standing, or parking is dangerous to those using  
17 the highway or where the stopping, standing, or parking of  
18 vehicles would interfere unduly with the free movement of  
19 traffic; provided that the violation of any law or any  
20 ordinance, regardless of whether established under this or any  
21 other section, prohibiting or restricting the stopping,



1 standing, or parking of vehicles shall constitute a traffic  
2 infraction. The counties shall not provide any other penalty,  
3 civil or criminal, or any other charge, in the form of rental or  
4 otherwise, in place of or in addition to the fine to be imposed  
5 by the district court for any violation of any ordinance  
6 prohibiting or restricting the stopping, standing, or parking of  
7 vehicles.

8 This section shall not be construed as prohibiting the  
9 authority of the director of transportation or the counties to  
10 allow the stopping, standing, or parking of motor vehicles at a  
11 "T-shaped" intersection on highways under their respective  
12 jurisdictions; provided that such stopping, standing, or parking  
13 of motor vehicles is not dangerous to those using the highway or  
14 where the stopping, standing, or parking of motor vehicles would  
15 not unduly interfere with the free movement of traffic.

16 The appropriate police department and county or prosecuting  
17 attorney of the various counties shall enforce any law or  
18 ordinance prohibiting or restricting the stopping, standing, or  
19 parking of vehicles, including but not limited to the issuance  
20 of parking tickets. Any person committing a violation of any  
21 law or ordinance, regardless of whether established under this



1 or any other section, prohibiting or restricting the stopping,  
2 standing, or parking of vehicles shall be subject to a fine to  
3 be enforced and collected by the district courts of this State  
4 and to be deposited into the state general fund for state use.

5 (b) The director of transportation, the counties, and  
6 owners of private highways, with the consent of the county  
7 official responsible for traffic control with respect to  
8 highways under their respective jurisdictions shall place signs  
9 or curb markings that are clearly visible to an ordinarily  
10 observant person prohibiting or restricting the stopping,  
11 standing, or parking of vehicles on the highway. Such signs or  
12 curb markings shall be official signs and markings and no person  
13 shall stop, stand, or park any vehicle in violation of the  
14 restrictions stated on such signs or markings.

15 (c) Any person committing a violation of any law  
16 prohibiting or restricting the stopping, standing, or parking of  
17 vehicles on state highways shall be charged, in addition to any  
18 other applicable penalties and fines, a state highway  
19 enforcement program surcharge of \$200 to be enforced and  
20 collected by the district courts and to be deposited into the  
21 state highway fund; provided that fifty per cent of each



1 surcharge collected shall be disbursed to the police department  
2 of the county in which the violation occurred.

3 (d) Any person committing a violation of any law  
4 prohibiting or restricting the stopping, standing, or parking of  
5 vehicles on county highways shall be charged, in addition to any  
6 other applicable penalties and fines, a county highway  
7 enforcement surcharge of \$200 to be enforced and collected by  
8 the district courts and to be distributed to the police  
9 department of the county in which the violation occurred;  
10 provided that each county by ordinance may designate specific  
11 sections of county highways subject to violations under this  
12 subsection pursuant to section 46- (b)."

13 SECTION 4. Section 291C-171, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§291C-171 Disposition of fines and forfeitures.** (a) All  
16 fines and forfeitures collected upon conviction or upon the  
17 forfeiture of bail of any person charged with a violation of any  
18 section or provision of the state traffic laws and all  
19 assessments collected relating to the commission of traffic  
20 infractions shall be paid to the director of finance of the



1 State[-], with the exception of surcharges distributed to county  
2 police departments under section 291C-111(d).

3 (b) In addition to any monetary assessment imposed for a  
4 traffic infraction, the court may impose penalties on all  
5 outstanding traffic citations and judgments. The penalties  
6 shall be established pursuant to rules approved by the supreme  
7 court; provided that the amounts of the penalties shall be based  
8 upon a graduated scale that increases in proportion to the  
9 length of the delinquency. Any interest penalty imposed as  
10 provided in this section may be waived by the court for good  
11 cause. All penalties collected for such outstanding citations  
12 and judgments shall be paid to the director of finance of the  
13 State[-]; provided that if the penalties are collected for  
14 outstanding citations and judgments arising out of violations of  
15 section 291C-111(d), the director shall annually remit the  
16 counties' share, if any, of the penalty to the respective county  
17 police department."

18 SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

County Highway Enforcement Program; Fund; Reports; Surcharge

**Description:**

Authorizes each county to establish a county highway enforcement program. Requires annual reports on the status and progress of the program. Imposes a surcharge for illegally stopping, standing, or parking vehicles on county highways to be distributed to county police departments. (HD1)

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